

**Notice of Allowability**

Application No.

10/807,242

Examiner

Tri H. Phan

Applicant(s)

KIKUCHI ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication on 11/4/2004 and 3/15/2005.
2. ☒ The allowed claim(s) is/are 1,2 and 4-9 (Now renumbered as 1-8).
3. ☒ The drawings filed on 24 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/794,171.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 3/16/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**BRIAN NGUYEN**

**PRIMARY EXAMINER**

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. This Office Action is in response to the communication filed on November 4<sup>th</sup>, 2004 and March 15<sup>th</sup>, 2005. Claim 3 is now canceled. Claims 1-2, and 4-9 are now pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney **John C. Altmiller** (Reg# 25,951) on March 15<sup>th</sup>, 2005.

The application has been amended as follows:

#### IN THE CLAIM:

The following changes to the claims 1, 3, 6 and 9 have been approved by the examiner and agreed upon by applicant:

In claim 1, insert the phrase --  
-- , said band traffic calculating means checks the type of data to be transmitted,  
assigns the band traffic requested from said communication application program to the data  
which data type is QoS, and

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assigns the band traffic calculated using the band traffic set for best effort type data, the band traffic occupied by QoS data, and the operation communication application program number to the data which data type is best effort --

in a new line, right in front of the word "assumption" (line 18) and before the period "."

In claim 3, change the status "currently amended" into -- cancelled --.

In claim 6, insert the phrase

-- , checking the type of data to be transmitted,

assigns the band traffic requested from said communication application program to the data which data type is QoS, and

assigns the band traffic calculated using the band traffic set for best effort type data, the band traffic occupied by QoS data, and the operation communication application program number to the data which data type is best effort --

in a new line, right in front of the word "assumption" (line 15) and before the period "."

In claim 9, insert the phrase

-- , said band traffic calculating means checks the type of data to be transmitted,

assigns the band traffic requested from said communication application program to the data which data type is QoS, and

assigns the band traffic calculated using the band traffic set for best effort type data, the band traffic occupied by QoS data, and the operation communication application program number to the data which data type is best effort --

in a new line, right in front of the word "assumption" (line 19) and before the period "."

### ***Reasons For Allowance***

3. Claims 1-2 and 4-9 are allowed. The following is an examiner's statement of reasons for allowance:

Claims 1-2 and 4-9 are considered allowable since when reading the claims in light of the specification, none of the references of record-alone or in combination disclose or suggest the combination of limitations specified in the independent claims including.

Substantially regarding claims 1 and 9, the prior art of record fails to disclose about the local nodes and means in the network system having a plurality of local nodes connected therewith, each local node includes a communication application program, by which the local node is operated, each of the local nodes comprises band information obtaining means for obtaining band information required for controlling the communication band from the communication application program, band information storing means for storing the band information obtained by the band information obtaining means as the band information of the local node, band information delivering means for delivering the band information of the local node to the other local nodes connected to the network, band information receiving means for receiving the band information delivered by the band information delivering means of the other local nodes and storing the band information of the other local nodes in the band information storing means, band traffic calculating means for calculating the current band traffic for the local node to which it belongs on the basis of the band information of the local node to which it belongs and the band information of the other local nodes stored in the band information storing means and the band traffic calculating means assuming current band traffic that is obtained to be the band traffic of the network and controlling the band traffic of the local node to which it belongs on the basis of that assumption, especially the band traffic calculating means checks the type of data to be transmitted, assigns the band traffic requested from the communication application program to the data which data type is QoS, and assigns the band traffic calculated using the band traffic set for best effort type data, the band traffic occupied by QoS data, and the operation communication application program number to the data which data type is best effort.

Substantially regarding claim 6, the prior art of record also fails to disclose about the method for controlling the communication band control system in the network as the same manner set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Drwiega et al.** (U.S.6,842,463), **Saunders, Ross Alexander** (U.S.6,865,151), **Johnson, Christopher L.** (U.S.6,820,117), **Tobe et al.** (U.S.6,829,643) and **Cable et al.** (U.S.6,854,013) are all cited to show devices and methods for improving transmission control for the routing technique with quality of service in the telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
March 16, 2005



**BRIAN NGUYEN**  
**PRIMARY EXAMINER**